



MINUTES OF THE PROTECTION AND POLICY COMMITTEE

**MONDAY, FEBRUARY 25, 2019, 5:30 PM
CITY HALL, ROOM 207**

A. ROLL CALL.

Present: Ald. John VanderLeest, Ald. Randy Scannell, Ald. Mark Steuer, Ald. Craig Stevens
Also present: Assistant City Attorney Kristen Johnson, Lt. Steve Mahoney, Chief of Staff Celestine Jeffreys

B. APPROVAL OF THE AGENDA.

I. Approval of the agenda for the February 25, 2019 Protection & Policy meeting.

Moved by Ald. John VanderLeest, seconded by Ald. Craig Stevens to approve the agenda for the February 25, 2019 Protection & Policy meeting. Motion carried.

Yes- Craig Stevens, John VanderLeest, Mark Steuer, Randy Scannell, No- None, Abstain- None

C. APPROVAL OF MINUTES.

I. Approval of the minutes of the February 11, 2019 Protection & Policy meeting.

Moved by Ald. John VanderLeest, seconded by Ald. Craig Stevens to approve the minutes of the February 11, 2019 Protection & Policy meeting. Motion carried.

Yes- Craig Stevens, John VanderLeest, Mark Steuer, Randy Scannell, No- None, Abstain- None

D. REGULAR BUSINESS.

I. Consideration with possible action on an application for an available "Class B" Combination license by Zach's Action Pit Billiards Arena LLC at 1730 S. Ashland Ave. with a licensed premise description as "1st floor only-bar restaurant area, kitchen and back storage room," previously discussed at the January 7 Protection & Policy meeting. (filed with the Clerk's Office on 12/12/2018).

Moved by Ald. John VanderLeest, seconded by Ald. Craig Stevens to open the floor for discussion. Motion carried.

Yes- Craig Stevens, John VanderLeest, Mark Steuer, Randy Scannell, No- None, Abstain- None

Moved by Ald. Mark Steuer, seconded by Ald. Craig Stevens to close the floor for discussion. Motion carried.

Yes- Craig Stevens, John VanderLeest, Mark Steuer, Randy Scannell, No- None, Abstain- None

Moved by Ald. Mark Steuer, seconded by Ald. Craig Stevens to open the floor for discussion. Motion carried.

Yes- Craig Stevens, John VanderLeest, Mark Steuer, Randy Scannell, No- None, Abstain- None

Moved by Ald. Mark Steuer, seconded by Ald. John VanderLeest to close the floor. Motion carried.

Yes- Craig Stevens, John VanderLeest, Mark Steuer, Randy Scannell, No- None, Abstain- None

Moved by Ald. John VanderLeest, seconded by Ald. Craig Stevens to grant an available "Class B" Combination license to Zach's Action Pit Billiards Arena LLC at 1730 S. Ashland Ave. with a licensed premise description as "1st floor only-bar restaurant area, kitchen and back storage room," with the approval of the proper authorities. (Previously discussed at the January 7 Protection & Policy meeting & filed with the Clerk's Office on 12/12/2018). Motion carried.

Yes- Craig Stevens, John VanderLeest, Mark Steuer, Randy Scannell, No- None, Abstain- None

2. Consideration with possible action with action on a request by Ald. VanderLeest stating: "Any vehicle stolen in City of Green Bay, Wisc. that the Green Bay Police Department recovers, the person owning the car or truck pays towing fee related to the vehicle. Fee paid to the City of Green Bay Police Dept. I do not recommend any fine imposed on the person who vehicle was stolen."

Moved by Ald. John VanderLeest, seconded by Ald. Mark Steuer to refer to staff the request by Ald. VanderLeest stating: "Any vehicle stolen in City of Green Bay, Wisc. that the Green Bay Police Department recovers, the person owning the car or truck pays towing fee related to the vehicle. Fee paid to the City of Green Bay Police Dept. I do not recommend any fine imposed on the person who vehicle was stolen." Motion carried.

Yes- Craig Stevens, John VanderLeest, Mark Steuer, Randy Scannell, No- None, Abstain- None

E. INFORMATIONAL.

I. Liquor Violation Report from the Police Department for February 25, 2019.

Moved by Ald. Mark Steuer, seconded by Ald. Craig Stevens to receive and place on file the Liquor Violation Report from the Police Department for February 25, 2019. Motion carried.

Yes- Craig Stevens, John VanderLeest, Mark Steuer, Randy Scannell, No- None, Abstain- None

F. ADJOURNMENT.

Moved by Ald. Mark Steuer, seconded by Ald. John VanderLeest to adjourn at 5:56 p.m. Motion carried.

Yes- Craig Stevens, John VanderLeest, Mark Steuer, Randy Scannell, No- None, Abstain- None

VERBATIM MINUTES

- I just did yes Hey, where's that?
- Alright bare with me here.
- No yeah fine. Let me know when you're ready.
- Right
- Okay here here here. The protection of policy meeting for February 25th. Room 205, no that's the council room. Room 7, thank you, is now in session. Lets do our roll call. Alder Stephens?
- Here.
- Alder Vander Leest?
- Here.
- Alder Steuer?
- Here
- Alder Scannel is also present, the gangs all here. I'll take a motion to approve our agenda for February 25th 2019.
- Motion to approve.
- Motion to approve by Alder Vander Leest.
- Second.
- Second by Alder Stevens, all in favor?
- [Everyone] Aye.

- Opposed. We not have an agenda.
- Right.
- Okay. I'll take a motion to prove the minutes for our February 11th 2019 protection policy meeting.
- Motion approved.
- Motion to approve by Alder Vander Leest, second by Alder Stevens. All in favor?
- [Everyone] Aye.
- Opposed? Our minutes are now approved for directory.
- Okay.
- Okay, to regular business. Number one. Consideration with possible action on an application for an available class B combination license by Zach's Actin Pit Billiards Arena LLC 1730 South Ashland Ave. With a licensed premised description as first floor only bar/restaurant area, kitchen and back storage room. Previously discussed at the January 7th protection of policy meeting. Filed at the clerks office on 12/12/2018. This came to our committee as mentioned here and we voted on it and I believe it was unanimous that we passed it on to council to approve and then I pulled it at council because I started feeling incredibly guilty, that this is a project I really really like and at committee I kind of contorted my mind into getting behind it. Afterwards I just felt, as an Alder, my responsibilities. I was turning my back on what I felt where my duty lied. Which was, everyone if you remember, they have to meet the threshold by law of their business having 54 percent of their business as a restaurant. As much as I like what they're doing, I just don't think this project can generate honestly, in my mind, 54 percent revenue from their kitchen. So that's why I sent it back and I don't know if staff has anything else they want to add to this?
- So Joanne did prepare some notes on this before she left, and it looks like at the last meeting you guys did talk about the idea of it being a restaurant. It is by ordinance, charter ordinance The current definition of a restaurant under state statute has changed recently. So that it no longer has to be a predominant activity as serving food they just have to serve food. With that, when the chart of ordinance was adopted back in 2005, the definition of a restaurant was that it had to be the principal activity. So we would look at that as, that was the interpretation of the intent when that chart of ordinance was passed. Even though the definition of a restaurant has changed since recently, I think it was last year. We would look to the intent of when that chart of ordinance was passed. Again it says it has to be the principal activity, so its kind of up to you guys how you wanna pursue with that, but that was what the chart of ordinance said. Unless it was a restaurant or a hotel, you couldn't have a liquor license in that moratorium area.
- So if we should deny this, would they have a legal basis to say we were, it was inappropriately denied?
- I don't know that we would talk about that in an open session.
- Oh okay, maybe we should go onto close, well we can't its not listed. Yep, okay. Here Here
- We could talk about, well open the floor.
- I will say just to add, there is the chart of ordinance in place which is set in stone. It hasn't been repealed or anything so that is still active, and the committee does have broad leeway as far as granting liquor licenses. Its a privilege, its not a right. Its a lot easier to deny a license up front than it is to go back and revoke it later on.
- Yep.

- So just to remind you of those things.
- Your concerns are, you know you brought those up Randy and those are legitimate. I think I was more concerned, I know we've voted unanimously on this but I think one of my concerns was the original ordinance. My thought would be that we approve this accordingly that we'll open up Pandoras box, as far as maybe other establishments wanted to get into the moratorium area. That's kind of where I'm leaning right now a little bit. So I'd appreciate a little more discussion on that if we could. That's kind of where I'm at.
- Anything else before we open the floor? I'll take a motion to open the floor.
- Motion to open the floor
- Motion to open the floor by Alder Vander Leest,
- Second
- Second by Alder Stevens all in favor?
- [Everyone] Aye.
- Opposed? The floor is now open. Please come forth state your name and address and also make sure you fill out one of the forms there before you go.
- My names Zach, 2834 Josephine Circle, Green Bay, Wisconsin, 54311. So basically I kind of wanted to go over the business plan and work with you guys a little bit. I am going way, way out of my way to make this into a restaurant and developing this property into a restaurant. With that being said our business plan, I spent a month straight putting that business plan together and doing the projections for the bank and stuff like that. First year the projections do say it will meet that ordinance. In that second year it surpassed that by seven or eight percent.
- Do you have those... _ Yeah I brought a copy of them.
- Oh yes that'd be...
- So here sir.
- Thank you. I think I sent over the business plan with...
- Yes, Alder Johnson sent those, yep.
- Yes so first year it had said that we would basically meet that 56 percent requirement and then second year it was more around 61 percent or 62 percent. And that was before we had talked about maybe extending the dinner. I was planning on doing more of a lunch based restaurant, but after talking to you guys me and my wife decided that basically we would make a really good push to do the full dinner as well. That way we could definitely increase those projections to comply with that ordinance. So that was one thing we had talked about.
- Everyone, I forwarded that onto...
- So this is kind of like the description of our business plan a little bit as far as the verbiage and stuff, but we had mentioned that we were... I put together that and then you guys were a little bit concerned that I had some verbiage in there, like more snack type food at night. That's what we kinda discussed. We were planning

on serving food at night, more like leftovers and stuff but then we had talked and we just said we gotta do... Basically increase those projections to meet the ordinance. Whatever we can do to do that is fine with us.

- So you're menu, do you have a menu set?

- Yeah she has a menu put together.

- Do you have a copy?

- I don't have a copy here.

- I like some of the stuff you wanna do, even the pool end.

- Yeah it would be cool.

- Those tournaments and everything, I really like what you wanna do

- Yeah.

- Not to mention I just took out a \$200,000 Loan to develop the property so I would like to continue sticking to that business plan.

- Any questions?

- Well I don't know if anybody had any concerns about the ordinance itself. The original ordinance.

- Well we've had the floor open for

- No more questions?

- Not right now.

- Anything else you wanna add?

- Yeah if you have any questions about the projections and stuff and how I came up with that. I can definitely answer... Basically the way I came up with all those projections, we went on a per day average of what we thought we could bring in as lunch customers and then the dinner customers and stuff like that, but numbers based on per day and how many busy days we might feel like we could keep it like that. That's how I came up with the projections.

- I was wondering if you had done some marketing studies on this type of restaurant in the area.

- Yeah I have some ideas for marketing and stuff like that. A lot of my buddies own pool halls and bigger pool halls, so I know what they do for marketing. We are planning on doing some radio advertising initially, to get the word out right away. There's a billboard on our property so I was planning on maybe renting that billboard for like six months and see how that does. I know I was talking with La mar sign company and one of their marketing people. He was giving me all the numbers and whatnot. They like to do a blitz where you put your sign all over town and they hadn't had too many people actually request to do one sign per six months. A lot of people try to move the signs around town and they have a schedule that they stick a lot of the times.

- Is there stand alone signs or are they digital?

- That's a stand alone canvas. They print you out the canvas or whatever. They do have digital signs around town now. I also had thought of an idea. A lot of those numbers that we came up with, that's including my online streaming, which I'm planning on doing video and hiring pros to come in to play and then sell tickets to those show's basically. A lot of those numbers are including, generating sales from online streaming revenue. I can, if you legally have to comply with that ordinance, I could separate that entity. Which basically would take those projections, and I could alter those projections a lot by separating that entity.

- Aha!

- So I could remove, you know.

- Yeah.

- To meet the ordinance.

- Aha great great great, yeah.

- I see where you're going yeah.

- So if I remove that online stream revenue that would make 70 or 80 percent of our sales would be from the food.

- Yeah.

- That's just from a legal stand point.

- Right, which is my... It's a duty to, it's my responsibility to uphold the law.

- Yeah.

- So that's in my staking point

- It's a little, it's one way we could approach this situation. To get the job done.

- To get the job done.

- You got time for a question?

- Yep.

- How are you going to, you know, Actin Pit Billiards Area, how are you gonna make people realize you're serving food?

- It's gonna be on our signage.

- Okay.

- Basically this is kind of like, what were gonna try and design our sign like. Zach's Action pit and Christina's Cuban cuisine. Then definitely plan advertising it as serving food.

- Christina's Cuban cuisine is very alliterative. It comes off the tongue very nicely.

- Yeah, it does.

- I know we talked about that last time.
- Yeah. I know I can't mount the sign up on the roof like that, but that's basically how I wanna design the sign. I think it can overhang like 18 inches from the top of the roof. I was working with creative sign over there on the pier and they fired one of their people that was working on my sign. I called them up and she was like 'Oh' Talked to her for 20 minutes and then she's like 'I can't really help you anymore'.
- Oh no.
- So that's not good. I've gotta get another person working on the sign.
- Anything else you care to add?
- If you don't have any questions then that's all I got so far.
- Not right now, if we do well open the floor again.
- What's your projected opening date if this passes?
- Lets say June.
- June okay.
- Yeah our loan's all approved and everything like that, so I should be able to get this ball rolling pretty quick now.
- Okay.
- I was just waiting for some state approved plans for my H pack and then that should be clipped in a week or two. Getting that rough top mounted furnace for that.
- Motion to close the floor
- Motion to close the floor, thank you, by Alder Steur, Second by Alder Stevens all in favor?
- [Everyone] Aye.
- Opposed to the floor not closed? Well we've got some new information both from staff, because I don't believe it came up at the committee last time that the definition of a restaurant had changed.
- Can I say something?
- Oh sure.
- Motion to open the floor?
- Motion to open the floor by Alder Steuer.
- I just wanna say...
- Wait a second.. All in favor?

- [Everyone] Aye.
- Okay its open. Make sure you both fill out a form. State your name and address
- Cristianna Millan. I live at 2834 Josephine Circle. I just wanted to say that living here for five years and I always work on restaurants. My uncle, he owns restaurants in Louisiana. I know how restaurants do and we're definitely gonna try to make the numbers we have in projections. I was planning on doing for for all day. Were gonna have hotplates where we would store the food and definite all day.
- Okay, good any questions for Cristianna?
- Okay thank you
- Thank you.
- Motion to close the floor.
- Motion to close the floor for Alder Steuer, second by Alder Vander Leek all in favor.
- [Everyone] Aye.
- Opposed. Okay floor is now closed. With all the new information we have, what is everybody thinking?
- I think given on approval, to get the business started. I think they're making a good faith effort in the investment that they're making and it sounds like they've got a business plan that they're working on. I say that we should give them a chance.
- Yeah they have been working on this for a while and it seems like they're moving foreword. I guess they got a little nervous when they said you got your loan and its not approved here yet, but that always a challenge too if it doesn't. I'm not saying that'll happen, I'm just saying that you've gotta be careful that way too. I think you've done a good job moving foreword. I did have some minor concerns about the ordinance, and the entire area, but I think I can rest that on this one, so I'm fine with it.
- I'm very sorry that I feel like I've been jerking you around a little bit here. I approved and then I got cold feet and a very very guilty conscience because I felt like I was shirking my responsibilities. I've loved your plan from the get go. I just thought the location was just not gonna work because of the law.
- Right.
- I kind of did some mental contortions and went with it but then afterward the things start to fall apart on me and I take this job very seriously, my duties and responsibilities very seriously. I took an oath to uphold the law, it doesn't matter what I think of the law. I think the new definition which I wasn't aware of even thought that's still dicey. I think with your plans, there's a good chance, even under the old law, you could still make this work. I know you've been working hard on this. I really appreciate all you're doing. I guess I'm back to where I was before. So I went full circle and I support this now. I think I can get behind it with a clear conscience. I can sleep at night now
- Were happy for that.
- Yeah me too. I was up a couple nights with this because I really like it and I just felt I couldn't do it. But, I'm back with this new information. It really does help. I can sleep easy.
- So I'll take a motion?

- My motion was to approve.
- Okay.
- Motion to approve by Alder Vander Leest, second by Alder Steuer. Any further discussion? All in favor?
- [Everyone] Aye.
- Opposed? Once again its unanimous and I will not pull it Everything we do here again is contingent by council approval. I don't know if anybody else will pull it. Once it passes council you're reigning clear.
- Okay.
- That's next Tuesday.
- Six o'clock. In the room next door.
- Alright sounds good.
- Thank you, sorry.
- Good luck.
- Yep good luck.
- All set.
- All set. Considerations possible action with action on request but Alder Vander Leest stating 'Any vehicle stolen in Green city of Green Bay, Wisconsin, that the Green Bay police department recovers, the person owning the vehicle or truck pays toying fee related to the vehicle. Fee paid to the Green Bay police department. I do not recommend any fine imposed on the person who the vehicle was stolen. Okay right. So this was bought up with the dangling key ordinance. But it really is a separate issue because its broader than just a dangling key. So it really needed to be its own communication. I have not heard any feedback on this. They're all up in arms about the dangling key, but their not up in arms about paying for a tolling fee if their car is stolen. Anything from staff?
- There is. We would ask that this be referred back to staff it looks like there is a state statute that prohibits the city from charging this kind of fee. So it says that we can charge for any abandoned vehicle except a stolen vehicle. We did reach out to the league and were waiting to hear back from them and the department of transportation just to verify that it prohibits us from doing this kind of thing, but that's what its looking like. So I would ask that you just refer to staff. Give us a little bit of time to look into it for sure.
- I recommend we refer it back to staff. Try to get that fee and the police department can collect that fee.
- Okay motion by Alder Vander Leest, refer to staff?
- Second.
- Second by Alder Steuer. Any further discussion? All in favor?
- [Everyone] Aye.

- Opposed? That passed unanimously.
- Thank you
- Thank you.
- Liquor violation report by the police department for February 25th, 2019.
- There were no violations.
- I feel like I could walk there and do something.
- Please don't.
- Motion to receiving place
- Motion to receive by Alder Steuer. Second by Alder Stevens. All in favor?
- [Everyone] Aye.
- Opposed? With that, moratorium ordinates. Should we look at changing it to meet the latest... Is that something we should be looking at perhaps? Would we need to put in communication?
- Yes, and we can talk about what that would be. I would imagine its just something like reviewing the charter ordinates to see if it meets with what your intentions are currently.
- Yeah that might be a good thing to do.
- I know Ryan's definition of restaurant cause issues...
- Yeah okay. We'll end up bring that communication. Anything else? I guess were done. Motion to adjourn?
- Motion to adjourn.
- By Alder Steuer.
- Second.
- Second by Alder Vander Leek. That went up All in favor? [Everyone] Aye. Opposed? We are adjourned.